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November 3, 2022

**By: Electronic Filing (ECF)**

Honorable Sean H. Lane  
United States Bankruptcy Court SDNY  
300 Quarropas Street  
White Plains, NY 10601-4140

Re: 96 Wythe Acquisition LLC; Case No. 21-22108 (SHL)

Dear Honorable Judge Lane,

As you know, I am co-counsel to Tarter Krinsky & Drogin, on behalf of the individuals Michael Lichtenstein and Toby Moskovits, the Management Company Williamsburg Hotel BK LLC and numerous companies subpoenaed by the Trustee pursuant to the Court's Rule 2004. I am the attorney who is directly involved with discovery and familiar with the document production.

I am writing this letter in response to the Trustee's letter dated November 2, 2022 (Dkt. No. 770) and in furtherance of my request for an adjournment of the status conference on November 10, 2022.

I understand and appreciate that today, Your Honor granted my request for an adjournment of the Chapter 11 Trustee's Motion to Compel (Dkt. No. 751) ("Motion"). However, I also understand that in response to the Trustee's request the matter is scheduled for a conference regarding the Motion on November 10<sup>th</sup>, even though I cannot attend.

As Your Honor may recall, I advised the Court and the Trustee's counsel at the last conference that I would be out of the country and unavailable to conference discovery matters on November 10<sup>th</sup>. The Court responded that we would address discovery upon my return, on a later date, and not on November 10<sup>th</sup>. In addition, that the original and intended purpose of the November 10<sup>th</sup> conference was to discuss fee applications and not discovery.

As I specifically advised the Trustee's counsel on several occasions, I am the attorney who is directly involved with discovery and familiar with the document production, but I am out of the country until November 11<sup>th</sup>, and unavailable to conference the Motion on November 10<sup>th</sup> or respond to the Trustee's Motion until my return.

I strongly disagree with the Trustee's counsel's characterization of the discovery issues. To hold a conference regarding document production and the issues raised in the Trustee's Motion in my absence would be extremely prejudicial and unfair to my clients.

Therefore, I respectfully reiterate my request for an adjournment of the status conference until one week following my return, at which time I will be available to fully conference the discovery issues with the Court and set a date to respond to the Trustee's motion.

In the meantime, my office is continuing in good faith to produce discovery to the Trustee. Thank you.

Respectfully,



Fern Flomenhaft